

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 215 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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AHMEDABAD MUNI. CORPO.

Versus

WORKMEN EMPLOYED UNDER \

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Appearance:

MR BP TANNA for Petitioner

RULE SERVED for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/1999

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. Challenge has been made to the award of the Industrial Tribunal, Gujarat dated 28th July, 1986 under which the penalty which has been given to the respondent-workman by the Management has been substituted by the penalty of suspension for a period of three months.

3. I find from the award that the Industrial Tribunal has taken the misconduct of respondent-workman to be very serious. Not only this, the Tribunal has held as a fact that the punishment inflicted upon the workman is just and proper and he is not entitled to any relief in that behalf.

4. Despite of recording this finding, the Industrial Tribunal interfered with the punishment given to respondent-workman and substituted its own punishment, which is totally perverse and arbitrary. Only in case where the Tribunal considers that the punishment given by the Management to workman concerned is disproportionate or harsh then it may interfere with the same but not in case where it was taken to be not harsh or disproportionate and further it was held to be just and proper and lastly it is held that the workman concerned is not entitled for any relief still interference has been made, which clearly falls under the category of perverse and arbitrary award, which cannot be allowed to stand.

5. In the result, this special civil application is allowed and the award of the Industrial Tribunal, Gujarat in Reference (IT) No.543 of 1979 dated 28th July, 1986 is quashed and set aside. Rule is made absolute accordingly.

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